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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,922	10/28/2003	Ward Uggerud	13671.IUSC2	7017
23552	7590	11/10/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				TSAI, CAROL S W
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/695,922	UGGERUD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Carol S Tsai	2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 28 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/19/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4 "the input" is vague and indefinite. It is not clear to the Examiner what input is intended.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

At page 7, line 2, "132, 134, 136, 138" should read "-- 140, 142, 144, 146 --",

Appropriate correction is required.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation "the input" in line 4. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, line 4, "the input" should read -- an input -- or -- inputs --.

In claim 1, lines 5-6, "the predicted energy usage" should read - - a predicted energy usage - -.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 6,061,609 to Kanoi et al.

Kanoi et al. disclose a system for scheduling the generation of energy in an energy distribution network having a plurality of energy users receiving energy from at least one of a plurality of energy sources, the system comprising: memory (memory 9d shown on Fig. 1A) in communication with input, the memory configured to store at least one schedule for each energy user, each schedule setting forth the predicted energy usage over a predetermined period of time; and a processor (microcomputer 9c shown on Fig. 1A) in communication with the memory, the processor configured to sum the schedules of a predetermined set of energy users thereby creating a net schedule (see Figs. 3 and 7; col. 2, lines 52-55; col. 2, line 65 to col. 3, line 4; col. 5, lines 38-53; col. 6, line 57 to col. 7, line 50; col. 9, lines 7-65; and col. 15, lines 17-28).

7. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,974,369 to Radtke et al.

Radtke et al. disclose a system for scheduling the generation of energy in an energy distribution network having a user receiving energy from at least one of a plurality of energy sources, the system comprising: memory (memory device circuit 100 shown on Fig. 1D) in communication with the input, the memory configured to store at least one schedule for each energy user, each schedule setting forth the predicted energy usage over a predetermined period of time (see col. 2, lines 5-16 and lines 36-43 and col. 15, lines 29-47); and a processor in communication with the memory, the processor configured to sum the schedules of a predetermined set of energy users thereby creating a net schedule (see Fig. 4; col. 1, line 66 to col. 2, line 51; col. 3, lines 12-13; and col. 15, lines 29-47 )

Radtke et al. do not disclose expressly the system being generated for a plurality of energy users.

It is, however, considered inherent that Radtke et al.'s system is generated for a plurality of users (see Fig.3), because a service provider provided to obtain energy usage data from the utility meter via a network communication interface is logically for a plurality of customers.

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 4,125,782 to Pollnow, Jr. in view of U. S. Patent No. 4,288,744 to Callan.

Pollnow, Jr. discloses a system for scheduling the generation of energy having a plurality of energy users receiving energy from at least one of a plurality of energy sources, the system comprising: memory (RAM 22 and ROM 23 shown on Fig. 3) in communication with input, the memory configured to store at least one schedule for each energy user, each schedule setting forth the predicted energy usage over a predetermined period of time; and a processor (microprocessor 20 shown on Fig. 3) in communication with the memory, the processor configured to sum the schedules of a predetermined set of energy users thereby creating a net schedule (see col. 1, lines 5-9 and lines 39-50; col. 2, lines 3-21; and col. 9, lines 3-20).

Pollnow, Jr. does not disclose the energy being generated in an energy distribution.

Callan teaches the energy being generated in an energy distribution (see col. 2, lines 26-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Pollnow, Jr.'s method to include the energy being generated in an energy distribution, as taught by Callan, in order that each unit of energy supplied to a plurality of loads through separate feeder lines in a power distribution network can be provided by the summing integrator circuit that sums and integrates the current generated by the charged capacitor with the instantaneous power signal received from the power transducer to generate an output signal proportional to the total energy consumption of the two loads (see col. 1, lines 43-46).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shavit et al. disclose an add/shed load controller which will add/shed or increase/decrease the electrical usage of a load.

Chasek discloses system for developing real time economic incentives to encourage efficient use of the resources of a regulated electric utility.

Germer discloses an electronic register for an electric meter includes a non-volatile storage into which data is written upon the detection of an impending power outage.

Hicks discloses electronic circuitry monitoring the electrical energy consumption of a system and displays the current cost of the energy usage.

Hedges discloses an energy management method for controlling electrical power consumption in each of a plurality of residential circuits having a plurality of loads.

***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be

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directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai  
Patent Examiner  
Art Unit 2857

11/05/04